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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KIMBROUGH T. STARKWEATHER,
individually;

Plaintiffs,
vs.

ALBERTSON'S LLC; INVESTMENT
PROPERTIES ASSOCIATES, LLC; CENTER
POINTE PLAZA LLC; INVESTMENT
PROPERTIES, LLC; DOES I - X, and ROE
CORPORATIONS I - X, inclusive,

Defendants.

CASE NO. 2:25-cv-00418-DJA

**STIPULATED DISCOVERY PLAN
AND SCHEDULING ORDER**

1. **Meeting:** Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on March 20, 2025, and was attended by Justin G. Randall, Esq. of ER Injury Attorneys, for Plaintiff, and Jack P. Burden, Esq. of Backus Burden, for Defendant Albertson's, LLC and Thomas D. Dillard, Esq., of Olson Cannon & Gormley, for Defendant Center Pointe Plaza, LLC.

2. **Pre-Discovery Disclosures:** Pursuant to Fed. R. Civ. P. 26(a)(1), Plaintiff and Defendant will serve their Initial Disclosures on or before March 21, 2025.

3. **Areas of Discovery:** The parties agree that the areas of discovery should include, but not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.

4. **Changes to Discovery Rules:** The parties do not see a need to change the discovery rules set forth in the Federal Rules of Civil Procedure and the Local Rules for the District of Nevada.

5. **Discovery Plan:** The parties proposed the following discovery plan:

A. **Alternative Dispute Resolution:** The parties certify that they met and conferred about the possibility of using alternative dispute-resolution processes, including mediation, arbitration and if applicable, early neutral resolution.

B. **Alternative Forms of Case Disposition:** The parties certify they considered

1 consent to trial by magistrate judge under 28 USC § 636(c) and Fed. R. Civ. P. 73 and the use of the
2 Short Trial Program. Defendant is currently unwilling to consent to either.

3 **C. Discovery Cut-off Dates(s):** LR 26-1(b)(1) provides that “unless otherwise
4 ordered, discovery periods longer than one hundred eighty (180) days from the date the first
5 defendant answers or appears will require special scheduling review.” The parties agree there is
6 no need for a special review. Therefore, the parties agree that discovery must be commenced and
7 completed no later than September 5, 2025. This date is 179 days after Defendant’s filing of its
8 appearance and answer.

9 **D. Amending the Pleadings and Adding Parties:** The parties shall have until
10 June 6, 2025, to file any motions to amend the pleadings to add parties. This is 91 days before the
11 discovery cut-off date.

12 **E. FRCP 26-1(b)(3) Disclosures of Experts:** Disclosure of experts shall
13 proceed according to Fed. R. Civ. P. 26(a)(2) as follows: the disclosure of experts and their reports
14 shall occur on or before July 7, 2025. The disclosure of rebuttal experts and their reports shall
15 occur on or before August 6, 2025. These deadlines are 60 and 30 days before the disclosure cut-
16 off-date, respectively.

17 **F. Dispositive Motions:** The parties shall have until October 6, 2025, to file
18 dispositive motions. This is 31 days after the discovery cut-off date.

19 **G. Pre-Trial Order:** The parties will prepare a Consolidated Pre-Trial Order
20 on or before November 5, 2025, which is 30 days after the date set for filing dispositive
21 motions in the case. This Deadline will be suspended if dispositive motions are timely filed
22 until 30 days after the decision of the dispositive motions or until further order of the Court.
23 The disclosures required by Fed. R. Civ. P. 26(a)(3) and objections thereto, shall be made in
24 the pre-trial order.

25 **H. Electronic Evidence:** The parties certify they discussed whether they
26 intend to present evidence in electronic format to jurors for the purposes of jury deliberations. At
27 this time, the parties agree they will submit their exhibits to the court in paper format or
28 electronic format. The parties agree to service of discovery requests and responses in PDF

1 format via Email, where practical. For documents too large to send via email, the parties
 2 consent to exchange via a cloud-based service (DropBox, OneDrive, iCloud, etc) or on a CD or
 3 DVD sent via US Mail.

4 **I. Court Conferences:** If the Court has questions regarding the dates proposed by
 5 the parties, the parties request a conference with the Court before entry of the Scheduling Order. If
 6 the Court does not have questions, the parties do not request a conference with the Court.

7 **J. Extensions or Modifications of the Discovery Plan and Scheduling Order:**
 8 LR 26-4 governs modifications or extensions of this Discovery Plan and Scheduling Order. Any
 9 stipulation or motion must be made not later than August 15, 2025, 21 days before the
 10 discovery cut-off date.

11 **K. Format of Discovery:** Pursuant to the electronic discovery amendments to
 12 the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-
 13 discovery issues pertaining to the format of discovery at the Fed. R. Civ. P. 26(f) conference. The
 14 parties do not anticipate discovery of native files or metadata at this time, but each party reserves
 15 the right to make a showing for the need of such electronic data as discovery progresses.

16 **L. Electronic Service of Discovery:** Counsel for Plaintiff hereby agrees to
 17 electronic service of all documents to the following email addresses:
 18 justin@erinjuryattorneys.com and miriam@erinjuryattorneys.com.

19 Counsel for Defendant Albertson's, LLC hereby agrees to electronic service of all documents
 20 to the following email addresses: jburden@backuslaw.com and jamielclark@backuslaw.com

21 ...

22 ...

23 ...

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28 ...

Counsel for Defendant Center Pointe Plaza, LLC hereby agrees to electronic service of all documents to the following email address: tdillard@ocgattorneys.com.

ER INJURY ATTORNEYS

BACKUS | BURDEN

/s/ Justin Randall

/s/ Jack Burden

By: _____
Justin G. Randall, Esq.
Nevada Bar No. 12476
Attorneys for Plaintiff

By: _____
Jack P. Burden, Esq.
Nevada Bar No. 6918
Jamie Clark, Esq.
Nevada Bar 16687
Attorney for Defendant Albertson's LLC

OLSON CANNON & GORMLEY


/s/ Thomas Dillard

By: _____
Thomas D. Dillard, Jr., Esq.
Nevada Bar No. 006270
Attorney for Defendant Center Pointe Plaza, LLC

ORDER

IT IS SO ORDERED:

DATED: 3/31/2025



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE



Miriam Alvarez <miriam@erinjuryattorneys.com>

RE: Kimbrough Starkweather v. Albertson's LLC, et al.-- REQUEST TO SCHEDULE FRCP 26(f) CONFERENCE

1 message

Jack Burden <jackburden@backuslaw.com>

Fri, Mar 28, 2025 at 8:54 AM

To: April Taylor <april@erinjuryattorneys.com>, Tom Dillard <tdillard@ocgattorneys.com>

Cc: Anne Raymundo <anneraymundo@backuslaw.com>, Nan Langenderfer <nlangenderfer@ocgattorneys.com>, Jamie Clark <jamieclark@backuslaw.com>, Justin Randall <justin@erinjuryattorneys.com>, "kimbroughstarkweatherz12248266@er.filevineapp.com" <kimbroughstarkweatherz12248266@er.filevineapp.com>, Miriam Alvarez <miriam@erinjuryattorneys.com>

Approved. Please affix my signature.

**Jack P. Burden, Esq.****3050 South Durango Drive****Las Vegas, Nevada 89117****O. (702) 872-5555 x 220****F. (702) 872-5545****E. jburden@backuslaw.com****From:** April Taylor <april@erinjuryattorneys.com>**Sent:** Friday, March 21, 2025 2:14 PM**To:** Jack Burden <jackburden@backuslaw.com>; Tom Dillard <tdillard@ocgattorneys.com>**Cc:** Anne Raymundo <anneraymundo@backuslaw.com>; Nan Langenderfer <nlangenderfer@ocgattorneys.com>; Jamie Clark <jamieclark@backuslaw.com>; Justin Randall <justin@erinjuryattorneys.com>; kimbroughstarkweatherz12248266@er.filevineapp.com; Miriam Alvarez <miriam@erinjuryattorneys.com>**Subject:** Re: Kimbrough Starkweather v. Albertson's LLC, et al.-- REQUEST TO SCHEDULE FRCP 26(f) CONFERENCE

Good afternoon, Attached please find the JCCR. Please review and let us know if you have any changes. If acceptable, please let us know if we can file using your e-signature.

I also attached Plaintiff's Initial FRCP. Please let us know immediately if you object to service by this means and would prefer to receive service by United States mail. Thank you.



Miriam Alvarez <miriam@erinjuryattorneys.com>

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1 message

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Clark <jamieclark@backuslaw.com>, Justin Randall <justin@erinjuryattorneys.com>,

"kimbroughstarkweatherz12248266@er.filevineapp.com" <kimbroughstarkweatherz12248266@er.filevineapp.com>, Miriam

Alvarez <miriam@erinjuryattorneys.com>

Please change my email address to tdillard@ocgattorneys.com. Otherwise, it looks good, and you can affix my electronic signature.

Thomas D. Dillard, Jr., Esq., Shareholder

Olson Cannon & Gormley

[9950 W. Cheyenne Ave.](#)[Las Vegas, Nevada 89129](#)

PH: 702-384-4012

FX: 702-383-0701

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